

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS MURPHY

Defendant.

NO. 8:23-CR-187

ORDER

On August 8, 2024, after pleading guilty to one count of coercion and enticement of a minor to engage in a sexual act, the defendant was sentenced to a 57-month term of incarceration to be followed by a ten-year term of supervised release. [Filing 120](#) (Judgment). This matter is before the Court on the defendant's *pro se* Motion for Modification of Special Conditions of Supervised Release. [Filing 125](#). The defendant seeks to modify Special Condition II, which prevents him from living with children, including his own. [Filing 125](#). The defendant wishes to modify the condition so that he can live with his own children. [Filing 125](#). For the reasons stated below, the defendant's Motion is granted.

Under [Federal Rule of Criminal Procedure 32.1\(c\)](#), the Court may “modify[] the conditions of . . . supervised release” without a hearing if “the relief sought is favorable to the person and does not extend the term of . . . supervised release” and “an attorney for the government has received notice of the relief sought, has had a reasonable opportunity to object, and has not done

so.” The Court imposed a June 18, 2025, deadline for the Government to file any response to the defendant’s Motion, Filing 126, which has passed without response. The Court may therefore modify the defendant’s conditions of release without first holding a hearing.

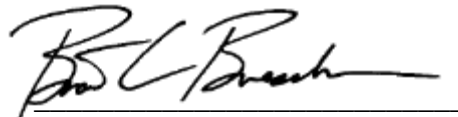
Conditions of supervised release must be “tailored” and “limited to what is ‘reasonably necessary’ to meet sentencing objectives.” *United States v. George*, No. 22-3312, 2024 WL 1460901, at *5 (8th Cir. Apr. 4, 2024) (quoting 18 U.S.C. § 3583(d)(2)). The proposed Special Condition would prohibit the defendant from living with all children, except his own. The Court concludes the proposed Special Condition is “reasonably necessary” and “tailored” to reflect “the nature and circumstances of the offense and the history and characteristics of the defendant” and “to protect the public from further crimes of the defendant.” 18 U.S.C. § 3553(a)(1) and (2)(C). The United States Probation Office indicated that it does not oppose this modification. The Court will therefore modify Special Condition II to permit the defendant to live with his own children when his term of supervised release begins. Accordingly,

IT IS ORDERED:

1. The defendant’s Motion for Modification of Special Conditions of Supervised Release, [Filing 125](#), is granted; and
2. An Amended Judgment in a Criminal Case shall issue.

Dated this 23rd day of June, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brian C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge